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09/805,313	03/13/2001	Gigi C. Gordon	GOR05 P-300A	1788

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EXAMINER

GREEN, BRIAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 03/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/805,313

Applicant(s)

GORDON, GIGI C.

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because in figures 1-4, each of the figures must be separately labeled, i.e. Fig. 1a, Fig. 1b, etc. A proposed drawing correction or corrected drawings are required in reply to the Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: stating in claims 1,6,14, and 18 that the cleaning articles are for a “non-human surface”.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Stating in claims 1,6,14, and 18 that the cleaning articles are for “cleaning a non-human surface” is considered to be new matter.

### ***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,6-9 and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Carter et al. (U.S. Patent No. 4,702,381).

Carter et al. shows in figures 1-3 the idea of labeling towels (T) with indicia (32) for indicating what the towel is to be used for, i.e. the towel with "HIS" is used for the man of the household and the towel with "HERS" is used for the lady of the house. Therefore the towel with "HIS" is used for cleaning the man's hands, body, face, car, shoes, bathroom, etc. and the towel with "HERS" is used for cleaning the ladies' hands, body, face, car, shoes, bathroom, etc. The towels (T) can be used for cleaning non-human surfaces. In regard to claim 3, each of the letters of "HIS" and "HERS" are considered to be symbols.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (U.S. Patent No. 4,702,381).

In regard to claim 10, Carter et al. does not disclose whether the indicia has a color which is different from the color of the towel. It would have been obvious to one in the art to modify Carter et al. by making the indicia of the towel different from the color of the towel since this would allow the indicia on the towel to be seen in a better manner. In regard to claim 12, Carter et al. does not disclose how the indicia is applied to the towel. Lithographic, printing, and stenciling are all well known and conventional processes. It would have been obvious to one in the art to modify Carter et al. by using one of these techniques to attach the indicia to the towel since this would allow the indicia to be attached to the towel in an easier, faster, and less expensive manner.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (U.S. Patent No. 4,702,381) as applied to claim 1 above, and further in view of Pirraglia et al. (Des. 390,403).

Carter et al. discloses the applicant's basic inventive concept except for making the outline of the scrubber in the shape of the cleaning article. Pirraglia et al. shows in figure 1 the idea of making the outline of a towel in the shape of a person. In view of the teachings of Pirraglia et al. it would have been obvious to one in the art to modify Carter

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et al. by making the outline in the shape of a person or an object (in this case the cleaning article) since this would allow the desired towel to be identified in an easier manner.

7. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (U.S. Patent No. 4,702,381) as applied to claims 1 and 7 above, and further in view of Inteso (U. S. Patent No. 4,598,488).

Carter et al. does not disclose making the indicia raised relative to the surface of the towel. Inteso discloses in figure 1 and in column 1, lines 10-20 the idea of embroidering indicia on a towel. The embroidered indicia would create raised indicia. In view of the teachings of Inteso it would have been obvious to one in the art to modify Carter et al. by making the indicia raised since this would create a more aesthetically pleasing display.

Claims 5,11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (U. S. Patent No. 4,702,381) as applied to claims 1 and 7 above, and further in view of Brach, Jr. et al. (U.S. Patent No. 5,487,203).

In regard to claims 5 and 13, Carter et al. does not disclose making the indicia raised relative to the surface of the towel. Brach, Jr. et al. discloses in figure 6 the idea of making the indicia (7) raised. In view of the teachings of Brach, Jr. et al. it would have been obvious to one in the art to modify Carter et al. by making the indicia raised since this would create a more aesthetically pleasing display. In regard to claim 11, Carter et

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al. does not disclose making the indicia recessed relative to the surface of the towel.

Brach, Jr. et al. discloses in figure 5 the idea of making the indicia (7) recessed. In view of the teachings of Brach, Jr. et al. it would have been obvious to one in the art to modify Carter et al. by making the indicia recessed since this would create a more aesthetically pleasing display.

Claims 1-3,6-10,12, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Scotch-Brite scour pads with indicia" (listed on the form 1449).

"Scotch-Brite scour pads with indicia" shows a scouring pad including indicia thereon. The indicia is on a package that encloses and engages the pad. The indicia is printed on the package and includes words which indicate that the pad is to be used on cast iron pots and includes a symbol of a pot. "Scotch-Brite scour pads with indicia" also indicates that another product "Scotch-Brite Cookware sponge" can be used on tubs. "Scotch-Brite scour pads with indicia" does not specifically show a second cleaning article for cleaning a different article. It would have been obvious to one in the art to modify "Scotch-Brite scour pads with indicia" by adding a "Scotch-Brite Cookware sponge" since this would allow a wider range of articles to be properly cleaned within a household. The indicia on the "Scotch-Brite Cookware sponge" would be similar to the indicia on the "Scotch-Brite scour pads with indicia" except it would be directed to the purposes of the "Scotch-Brite Cookware sponge". In regard to claim 10, "ScotchBrite scour pads with indicia" does not disclose whether the indicia has a color which is different from the color of the pad. It would have been obvious to one in the art to modify

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"Scotch-Brite scour pads with indicia" by making the indicia different from the color of the pad since this would allow the indicia to be seen in a better manner.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Scotch-Brite scour pads with indicia" as applied to claim 1 above, and further in view of Demner (U. S. Patent No. 3,496,589).

"Scotch-Brite scour pads with indicia" discloses the applicant's basic inventive concept except for making the outline of the scrubber in the shape of the cleaning article. Demner shows in figure 1 the idea of making the cleaning article in the shape of the article to be cleaned. In view of the teachings of Demner it would have been obvious to one in the art to modify "Scotch-Brite scour pads with indicia" by making the outline in the shape of the article to be cleaned since this would allow the desired cleaning article to be identified in an easier manner.

10. Claims 5 and 13 are rejected under 35 U. S.C. 103(a) as being unpatentable over "ScotchBrite scour pads with indicia" as applied to claims 1 and 7 above, and further in view of Rogers et al. (U.S. Patent No. 5,13 3,707).

"Scotch-Brite scour pads with indicia" does not disclose making the indicia raised. Rogers discloses in figures 1 and 2 and in column 2, lines 10-20 the idea of embossing the indicia on a sheet. In view of the teachings of Rogers et al. it would have been obvious to one in the art to modify "Scotch-Brite scour pads with indicia" by making the indicia raised since this would create a more aesthetically pleasing display.



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Claims 5, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Scotch-Brite scour pads with indicia" as applied to claims 1 and 7 above, and further in view of Brach, Jr. et al. (U.S. Patent No. 5,487,203). In regard to claims 5 and 13, "Scotch-Brite scour pads with indicia" does not disclose making the indicia raised relative to the surface of the towel. Brach, Jr. et al. discloses in figure 6 the idea of making the indicia (7) raised. In view of the teachings of Brach, Jr. et al. it would have been obvious to one in the art to modify "Scotch-Brite scour pads with indicia" by making the indicia raised since this would create a more aesthetically pleasing display. In regard to claim 11, "Scotch-Brite scour pads with indicia" does not disclose making the indicia recessed relative to the surface of the towel. Brach, Jr. et al. discloses in figure 5 the idea of making the indicia (7) recessed. In view of the teachings of Brach, Jr. et al. it would have been obvious to one in the art to modify "Scotch-Brite scour pads with indicia" by making the indicia recessed since this would create a more aesthetically pleasing display.

Applicant's arguments filed Dec. 31, 2002 have been fully considered but they are not persuasive.

The applicant argues that nowhere does Carter et al. indicate that the intended cleaning application for the article discloses therein would be even remotely associated with non-human cleaning applications as presently claimed. The applicant defines in the claims that the system is for "cleaning a non-human surface". As broadly defined, the towels of Carter et al. can clearly

be used to clean non-human surfaces, i.e. the bathroom floor (when it gets wet), the kitchen counter (when it gets wet), etc.

The applicant argues that Carter et al. makes no reference to or suggestion to make the indicia a different color as defined in claims 10 and 12. Carter et al. discloses the idea of attaching indicia onto towels. Clearly the indicia on the towel would have to be a different color than the towel in order to allow the indicia to be clearly seen.

The applicant argues that Pirraglia et al. cannot be viewed as disclosing a specific intended cleaning application having an indicia in the form thereof. Pirraglia et al. is merely being used to teach that it is known to make a towel into the specific shape of an object. The shape of the towel can be used to identify one towel from another towel. It is considered within one skilled in the art to vary the shape of the towel for any desired purpose.

The applicant argues that the "Scotch-Brite" scour pads do not suggest or teach the desirability of providing a plurality of cleaning articles, each having a different cleaning application. The examiner disagrees since "Scotch-Brite scour pads with indicia" also indicates that another product "Scotch-Brite Cookware sponge" can be used on tubs. This indicia on the "Scotch-Brite" scour pads clearly indicates that the scour pads can be used with other cleaning articles, each having a different cleaning application.

The applicant argues that Demner does not disclose a plurality of articles having a different intended cleaning application. Demner is merely being used to show that it is known to make a cleaning article in the shape of the intended cleaning application. "Scotch-Brite" already discloses the idea of using a plurality of cleaning articles for different cleaning applications.

The applicant argues that there is no motivation or suggestion to modify "Scotch-Brite" in view of Rogers et al. Rogers et al. is merely being used to show that it is known to emboss indicia onto a sheet. Rogers et al. provides the advantage (motivation) of creating a more aesthetically pleasing display, i.e. placing raised indicia on the package of "Scotch-Brite".

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

  
BRIAN K. GREEN  
PRIMARY EXAMINER

bkg  
March 3, 2003